

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AUSABLE CAPITAL PARTNERS, LLC,

Plaintiff,

v.

SATI EXPORTS INDIA PRIVATE
LIMITED, SAMSARA SURFACES LLC,
ANIMESH JAISWAL, and ALOK
JAISWAL,

Defendants.

8:21CV129

**MEMORANDUM
AND ORDER**

On October 26, 2023, plaintiff AuSable Capital Partners, LLC (“AuSable”) moved this Court for leave to file an amended complaint (Filing No. 99). That motion also expressed the parties’ “consent to the elimination of Samsara Surfaces [LLC (“Samsara Surfaces”)] as a party” and AuSable’s “theory of recovery for failure to consummate the accord and satisfaction.” The next day, AuSable filed a Motion for Leave to Withdraw Admissions (Filing No. 103) made to requests by defendant Samsara Surfaces. With the exception of the stipulations described above, defendants Sati Exports India Private Limited, Samsara Surfaces, Animesh Jaiswal, and Alok Jaiswal have generally opposed AuSable’s motions (Filing Nos. 106, 107, 108, 112, and 114).

Upon thorough consideration of the parties’ submissions, the magistrate judge¹ issued her Findings, Recommendation, and Order (Filing No. 120) recommending “the stipulations contained [in] Plaintiff’s motion to amend be approved.” In addition, she ordered AuSable’s motion to amend be denied in all other respects and that its motion to withdraw admissions be granted.

¹The Honorable Cheryl R. Zwart, United States Magistrate Judge for the District of Nebraska.

The Court must “make a de novo review of . . . specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). Absent objection, however, further review is unnecessary. *See Peretz v. United States*, 501 U.S. 923, 939 (1991); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609, 619-20 (8th Cir. 2009) (“[T]he failure to file objections eliminates not only the need for de novo review, but *any* review by the district court.”); *see also* Fed. R. Crim. P. 59 (a), (b)(2) (explaining the failure to timely object waives the right to review); NECrimR 59.2(a), (e).

No party has timely objected to the magistrate judge’s recommendation. Accordingly,

IT IS ORDERED:

1. The magistrate judge’s recommendation (Filing No. 120) is accepted. Any objections are deemed waived.
2. AuSable’s motion for leave to amend their complaint to omit Samsara Surfaces as a party and eliminate its first theory of recovery (Filing No. 99) is granted.
3. AuSable is ordered to file with the Court an amended pleading on or before January 10, 2024, reflecting the amendments approved herein.

Dated this 3rd day of January 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge